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#7

Serial No. 10/030,186

Response to Office communication of Sept. 3, 2003

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

UNITED STATES

Sir:

**RESPONSE TO OFFICE ACTION**

Applicants refer to the Office communication dated September 3, 2003.

**ELECTION/RESTRICTIONS**

The Examiner has asked the Applicants to elect a single disclosed species of the compounds of formula (I) for examination, citing 35 U.S.C. 121 as basis for the request.

Applicants hereby elect the species of Example 17 without traverse. This compound corresponds with formula (I) in which R<sub>2</sub> is 3-chloroindol-6-yl, -X-X- is CONH, Y is CH (in the D-configuration), Cy is phenyl and -L-Lp(D)<sub>n</sub> is 4-[(piperidin-1-yl)methyl]piperidin-1-ylcarbonyl. All pending claims read on this elected species.

It is noted that the Examiner has not identified separate generic groups of compounds for restriction as is customary when a restriction requirement is made under 35 U.S.C. 121. Applicants are therefore under the impression that the Examiner intends to treat the election of species as an election of species under 37 C.F.R. 1.146, and will restrict the application to this species only if no generic claim is found to be allowable.

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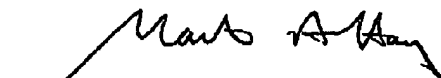
**PROVISIONAL OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION IN CO-  
PENDING APPLICATION SERIAL NO. 10/030,189**

Applicants wish to draw the Examiner's attention to a provisional obviousness-type double patenting rejection made by Examiner Celia Chang in co-pending application serial no. 10/030,189. Examiner Chang has asserted that the claims in the co-pending application would have been obvious from the claims in the present application as published in view of US 6,262,069. Applicants do not necessarily agree with Examiner Chang, but consider it appropriate that this should be brought to the Examiner's attention.

**COMMUNICATION BY TELEPHONE**

The undersigned's office is located in the United Kingdom, which is five hours ahead of the USPTO, and hence the Examiner may have difficulty contacting him from the USPTO by telephone. If the Examiner wishes to speak with the undersigned by telephone, he can contact the undersigned by e-mail at martinahay@martin-a-hay.com, or leave a message with Linda McDonald of Eli Lilly and Company at (317) 433 7140. The undersigned will then call the Examiner.

Respectfully submitted,



Hay, Martin Alexander

Agent for Applicants

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Serial No. 10/030,186

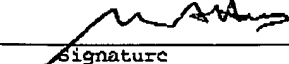
Response to Office communication of Sept. 3, 2003

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October 2, 2003

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PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Art Unit : 1624  
Examiner : LIU, Hong  
For : Serine Protease Inhibitors  
Docket No. : 00218/US  
Customer No : 024330

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Date: 2nd October 2003 Total Number of Pages: 5  
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To: Attn: Group Art Unit 1624  
USPTO

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Acknowledgment Requested: Yes No

Message:

Applicant: Liebeschuetz, et al  
US Serial No. 10/030,186  
Our Ref: 00218/US

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